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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,174	07/31/2003	Craig D. Johnson	68.0352	9836

35204 7590 07/26/2005

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EXAMINER

STEPHENSON, DANIEL P

ART UNIT	PAPER NUMBER
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3672

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/632,174

Applicant(s)

JOHNSON ET AL.

Examiner

Daniel P. Stephenson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) 10-43 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6 and 7 is/are rejected.
- 7) ☒ Claim(s) 5, 8 and 9 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/8/04, 6/7/04, 7/31/03
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____

DETAILED ACTION

Priority

1. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 120 as follows:

An application in which the benefits of an earlier application are desired must contain a specific reference to the prior application(s) in the first sentence(s) of the specification or in an application data sheet by identifying the prior application by application number (37 CFR 1.78(a)(2) and (a)(5)). If the prior application is a non-provisional application, the specific reference must also include the relationship (i.e., continuation, divisional, or continuation-in-part) between the applications except when the reference is to a prior application of a CPA assigned the same application number.

The preliminary amendment filed 10/24/03 fails to define the relationship between the current and prior applications.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 6 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Castano-Mears '565. Castano-Mears '565 (Figure 5) discloses an expandable sand screen. The screen

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has an expandable base pipe (12), a base filter layer (18) disposed along the pipe, and a separable filter layer (22a/b, 26a/b). The separable filter layer is disposed along the base pipe and the base pipe will inherently have some sort of solid region disposed along the separable filter at the point where separation occurs. The separable filter layer can be a woven filter layer, and is comprised of two sets of filter pairs (22a/b and 26a/b), which are separated by a gap after expansion of the base pipe.

4. Claims 1, 6 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Donnelly et al. '789. Donnelly et al. '789 (Figure 1) discloses an expandable sand screen. The screen has an expandable base pipe (3), a base filter layer (5) disposed along the pipe, and a separable filter layer (4). The separable filter layer is disposed along the base pipe and the base pipe will inherently have some sort of solid region disposed along the separable filter at the point where separation occurs. The separable filter layer can be a woven filter layer, and is comprised of two sets of filter pairs (on opposite sides of the base pipe), which are separated by a gap after expansion of the base pipe.

5. Claims 1 and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Castano-Mears et al. '518. Castano-Mears et al. '518 (Figures 9a/b-10a/b) discloses an expandable sand screen. The screen has an expandable base pipe (92), a base filter layer (98) disposed along the pipe, and a separable filter layer (106). The separable filter layer is disposed along the base pipe and the base pipe has a solid region disposed along the separable filter at the point where separation occurs. The base filter layer is located between the base pipe and the separable filter layer.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Castano-Mears '565 or Donnelly et al. '789 in view of Voll et al. Castano-Mears '565 or Donnelly et al. '789 shows all the limitations of the present invention, except, they do not disclose that there is a shroud over the sand screen assembly. Voll et al. (Figure 1) discloses a multi-layer screen that has a shroud overlapping the various filter layers present on the base pipe. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the shroud of Voll et al. with the apparatus of Castano-Mears '565 or Donnelly et al. '789. This would be done to provide protection for the screen as it is placed downhole (Voll et al., col. 3 lines 49-50).

With regards to claim 3, if the shroud of Voll et al. were used with the apparatus of Castano-Mears '565 or Donnelly et al. '789 then the base filter layer and the separable filter layer would inherently be secured to the shroud since the shroud is secured to the base pipe.

Allowable Subject Matter

8. Claims 5, 8 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fast, Jones et al., Echols et al. '401 and the pre-grant publication '160 to Nguyen et al. all show similar features to those of the present invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel P. Stephenson whose telephone number is (571) 272-7035. The examiner can normally be reached on 8:30 - 5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J. Bagnell can be reached on (571) 272-6999. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


David Bagnell
Supervisory Patent Examiner
Art Unit 3672

DPS 